

## APPLICATION FOR INITIATIVE OR REFERENDUM PETITION SERIAL NUMBER

Secretary of State  
1700 W. Washington, 7th Floor  
Phoenix, AZ 85007

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The undersigned intends to circulate and file an INITIATIVE or a REFERENDUM (circle the appropriate word) petition and hereby makes application for the issuance of an official serial number to be printed in the lower right-hand corner of each side of each signature sheet of such petition. Pursuant to Arizona Revised Statutes § 19-111, attached hereto is the full text, in no less than eight point type, of the MEASURE or CONSTITUTIONAL AMENDMENT (circle appropriate word) intended to be INITIATED or REFERRED (circle appropriate word) at the next general election.

**SUMMARY:** A description of no more than one hundred words of the principal provisions of the proposed law, constitutional amendment or measure that will appear in no less than eight point type on the face of each petition signature sheet to be circulated.

The "Legal Arizona Workers Act" prohibits employers from knowingly employing unauthorized aliens. It requires the attorney general and county attorney to investigate complaints about employers who employ unauthorized aliens. It makes it unlawful for a person to file a false and frivolous complaint against an employer. If an employer knowingly employs an unauthorized alien, the act requires that the employer's business license be permanently revoked. It requires employers to verify their employees through a free federal basic pilot program. The act makes it a crime to take the identity of another to obtain employment.

Donald H. Goldwater  
Signature of Applicant

Donald H. Goldwater  
Printed Name of Applicant

1928 E. Highland F-104 #616  
Address

Phoenix AZ 85016  
City State Zip

602 317 6506  
Telephone Number

Support Legal Arizona Workers  
Name of Organization (if any)

1928 E. Highland F-104 #616  
Address

Phoenix AZ 85016  
City State Zip

602 317 6506  
Telephone Number

Donald H. Goldwater - Chairman  
Name of Officer and Title

1928 E. Highland F-104 #616  
Address

Phoenix AZ 85016  
City State Zip

602 317 6506  
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Gene F. Reed - Treasurer  
Name of Officer and Title

1928 E. Highland F-104 #616  
Address

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602 274-9674  
Telephone Number

Date of Application	<u>March 23, 2007</u>
Signatures Required	<u>153,365</u>
Deadline for Filing	<u>July 3, 2008</u>
Serial Number Issued	<u>I-06-2008</u>
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Revised 11/92

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AN INITIATIVE MEASURE

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AMENDING SECTION 13-2009, ARIZONA REVISED STATUTES; AMENDING TITLE 23, CHAPTER 2, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 2; RELATING TO EMPLOYMENT OF UNAUTHORIZED ALIENS.

Be it enacted by the People of the State of Arizona:

Section 1. Section 13-2009, Arizona Revised Statutes, is amended to read:

13-2009. Aggravated taking identity of another person or entity; classification

A. A person commits aggravated taking the identity of another person or entity if the person knowingly takes, purchases, manufactures, records, possesses or uses any personal identifying information or entity identifying information of either:

1. ~~Five~~ THREE or more other persons or entities, including real or fictitious persons or entities, without the consent of the other persons or entities, with the intent to obtain or use the other persons' or entities' identities for any unlawful purpose or to cause loss to the persons or entities whether or not the persons or entities actually suffer any economic loss.

2. Another person or entity, including a real or fictitious person or entity, without the consent of that other person or entity, with the intent to obtain or use the other person's or entity's identity for any unlawful purpose and causes another person or entity to suffer an economic loss of three thousand dollars or more.

3. ANOTHER PERSON, INCLUDING A REAL OR FICTITIOUS PERSON, WITH THE INTENT TO OBTAIN EMPLOYMENT.

B. In an action for aggravated taking the identity of another person or entity under subsection A, paragraph 1 of this section, proof of possession out of the regular course of business of the personal identifying information or entity identifying information of ~~five~~ THREE or more other persons or entities may give rise to an inference that the personal identifying information or entity identifying information of the ~~five~~ THREE or more other persons or entities was possessed for an unlawful purpose.

C. This section does not apply to a violation of section 4-241 by a person who is under twenty-one years of age.

D. Aggravated taking the identity of another person or entity is a class 3 felony.

Sec. 2. Title 23, chapter 2, Arizona Revised Statutes, is amended by adding article 2, to read:

ARTICLE 2. EMPLOYMENT OF UNAUTHORIZED ALIENS

23-211. Definitions

IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

1           1. "AGENCY" MEANS ANY AGENCY, DEPARTMENT, BOARD OR COMMISSION OF THIS  
2 STATE OR A COUNTY, CITY OR TOWN THAT ISSUES A LICENSE FOR PURPOSES OF  
3 OPERATING A BUSINESS IN THIS STATE.

4           2. "BASIC PILOT PROGRAM" MEANS THE BASIC EMPLOYMENT VERIFICATION PILOT  
5 PROGRAM AS JOINTLY ADMINISTERED BY THE UNITED STATES DEPARTMENT OF HOMELAND  
6 SECURITY AND THE SOCIAL SECURITY ADMINISTRATION OR ITS SUCCESSOR PROGRAM.

7           3. "EMPLOYEE" MEANS ANY PERSON WHO PERFORMS EMPLOYMENT SERVICES FOR AN  
8 EMPLOYER PURSUANT TO AN EMPLOYMENT RELATIONSHIP BETWEEN THE EMPLOYEE AND  
9 EMPLOYER.

10          4. "EMPLOYER" MEANS ANY INDIVIDUAL OR TYPE OF ORGANIZATION THAT  
11 TRANSACTS BUSINESS IN THIS STATE, THAT HAS A LICENSE ISSUED BY AN AGENCY IN  
12 THIS STATE AND THAT EMPLOYS ONE OR MORE INDIVIDUALS WHO PERFORM EMPLOYMENT  
13 SERVICES IN THIS STATE. EMPLOYER INCLUDES THIS STATE, ANY POLITICAL  
14 SUBDIVISION OF THIS STATE AND SELF-EMPLOYED PERSONS.

15          5. "KNOWINGLY EMPLOY AN UNAUTHORIZED ALIEN" MEANS THE ACTIONS  
16 DESCRIBED IN 8 UNITED STATES CODE SECTION 1324a. THIS TERM SHALL BE  
17 INTERPRETED CONSISTENTLY WITH 8 UNITED STATES CODE SECTION 1324a AND ANY  
18 APPLICABLE FEDERAL RULES AND REGULATIONS.

19          6. "LICENSE":

20           (a) MEANS ANY AGENCY PERMIT, CERTIFICATE, APPROVAL, REGISTRATION,  
21 CHARTER OR SIMILAR FORM OF AUTHORIZATION THAT IS REQUIRED BY LAW AND THAT IS  
22 ISSUED BY ANY AGENCY FOR THE PURPOSES OF OPERATING A BUSINESS IN THIS STATE.

23           (b) INCLUDES:

24           (i) ARTICLES OF INCORPORATION UNDER TITLE 10.

25           (ii) A CERTIFICATE OF PARTNERSHIP, A PARTNERSHIP REGISTRATION OR  
26 ARTICLES OF ORGANIZATION UNDER TITLE 29.

27           (iii) A GRANT OF AUTHORITY ISSUED UNDER TITLE 10, CHAPTER 15.

28           (iv) ANY TRANSACTION PRIVILEGE TAX LICENSE.

29           (c) DOES NOT INCLUDE:

30           (i) ANY LICENSE ISSUED PURSUANT TO TITLE 45 OR 49.

31           (ii) ANY PROFESSIONAL LICENSE.

32          7. "UNAUTHORIZED ALIEN" MEANS AN ALIEN WHO DOES NOT HAVE THE LEGAL  
33 RIGHT OR AUTHORIZATION UNDER FEDERAL LAW TO WORK IN THE UNITED STATES AS  
34 DESCRIBED IN 8 UNITED STATES CODE SECTION 1324a(h)(3).

35          23-212. Employment of unauthorized aliens; prohibition; false  
36 and frivolous complaints; violation; classification;  
37 license revocation

38          A. AN EMPLOYER SHALL NOT KNOWINGLY EMPLOY AN UNAUTHORIZED ALIEN.

39          B. ON RECEIPT OF A COMPLAINT THAT AN EMPLOYER ALLEGEDLY KNOWINGLY  
40 EMPLOYS AN UNAUTHORIZED ALIEN, THE ATTORNEY GENERAL OR COUNTY ATTORNEY SHALL  
41 INVESTIGATE WHETHER THE EMPLOYER HAS VIOLATED SUBSECTION A. WHEN  
42 INVESTIGATING A COMPLAINT, THE ATTORNEY GENERAL OR COUNTY ATTORNEY SHALL  
43 VERIFY THE WORK AUTHORIZATION OF THE ALLEGED UNAUTHORIZED ALIEN WITH THE  
44 FEDERAL GOVERNMENT PURSUANT TO 8 UNITED STATES CODE SECTION 1373(c). A  
45 PERSON WHO KNOWINGLY FILES A FALSE AND FRIVOLOUS COMPLAINT UNDER THIS  
46 SUBSECTION IS GUILTY OF A CLASS 3 MISDEMEANOR.

1 C. IF, AFTER AN INVESTIGATION, THE ATTORNEY GENERAL OR COUNTY ATTORNEY  
2 DETERMINES THAT THE COMPLAINT IS NOT FRIVOLOUS:

3 1. THE ATTORNEY GENERAL OR COUNTY ATTORNEY SHALL NOTIFY THE UNITED  
4 STATES IMMIGRATION AND CUSTOMS ENFORCEMENT OF THE UNAUTHORIZED ALIEN.

5 2. THE ATTORNEY GENERAL OR COUNTY ATTORNEY SHALL NOTIFY THE LOCAL LAW  
6 ENFORCEMENT AGENCY OF THE UNAUTHORIZED ALIEN.

7 3. THE ATTORNEY GENERAL SHALL NOTIFY THE APPROPRIATE COUNTY ATTORNEY  
8 TO BRING AN ACTION PURSUANT TO SUBSECTION D IF THE COMPLAINT WAS ORIGINALLY  
9 FILED WITH THE ATTORNEY GENERAL.

10 D. AN ACTION FOR A VIOLATION OF SUBSECTION A OF THIS SECTION SHALL BE  
11 BROUGHT AGAINST THE EMPLOYER BY THE COUNTY ATTORNEY IN THE COUNTY WHERE THE  
12 UNAUTHORIZED ALIEN EMPLOYEE IS EMPLOYED.

13 E. FOR ANY ACTION IN SUPERIOR COURT UNDER THIS SECTION, THE COURT  
14 SHALL EXPEDITE THE ACTION, INCLUDING ASSIGNING THE HEARING AT THE EARLIEST  
15 PRACTICABLE DATE.

16 F. FOR A VIOLATION OF SUBSECTION A, THE COURT SHALL ORDER THE  
17 APPROPRIATE AGENCIES TO PERMANENTLY REVOKE ALL LICENSES THAT ARE HELD BY THE  
18 EMPLOYER AND THAT ARE NECESSARY TO OPERATE THE EMPLOYER'S BUSINESS AT THE  
19 EMPLOYER'S BUSINESS LOCATION WHERE THE UNAUTHORIZED ALIEN PERFORMED WORK. IF  
20 A LICENSE IS NOT NECESSARY TO OPERATE THE EMPLOYER'S BUSINESS AT THE SPECIFIC  
21 LOCATION WHERE THE UNAUTHORIZED ALIEN PERFORMED WORK, BUT A LICENSE IS  
22 NECESSARY TO OPERATE THE EMPLOYER'S BUSINESS IN GENERAL, THE COURT SHALL  
23 ORDER THE APPROPRIATE AGENCIES TO PERMANENTLY REVOKE ALL LICENSES THAT ARE  
24 HELD BY THE EMPLOYER AT THE EMPLOYER'S PRIMARY PLACE OF BUSINESS. ON RECEIPT  
25 OF THE ORDER AND NOTWITHSTANDING ANY OTHER LAW, THE APPROPRIATE AGENCIES  
26 SHALL IMMEDIATELY REVOKE THE LICENSES.

27 G. ON DETERMINING WHETHER AN EMPLOYEE IS AN UNAUTHORIZED ALIEN, THE  
28 COURT SHALL CONSIDER ONLY THE FEDERAL GOVERNMENT'S DETERMINATION PURSUANT TO  
29 8 UNITED STATES CODE SECTION 1373(c). THE FEDERAL GOVERNMENT'S DETERMINATION  
30 CREATES A REBUTTABLE PRESUMPTION OF THE EMPLOYEE'S LAWFUL STATUS. THE COURT  
31 MAY TAKE JUDICIAL NOTICE OF THE FEDERAL GOVERNMENT'S DETERMINATION AND MAY  
32 REQUEST THE FEDERAL GOVERNMENT TO PROVIDE AUTOMATED OR TESTIMONIAL  
33 VERIFICATION PURSUANT TO 8 UNITED STATES CODE SECTION 1373(c).

34 H. FOR THE PURPOSES OF THIS SECTION, PROOF OF VERIFYING THE EMPLOYMENT  
35 AUTHORIZATION OF AN EMPLOYEE THROUGH THE BASIC PILOT PROGRAM CREATES A  
36 REBUTTABLE PRESUMPTION THAT AN EMPLOYER DID NOT KNOWINGLY EMPLOY AN  
37 UNAUTHORIZED ALIEN.

38 23-213. Employer actions: federal law compliance

39 THIS ARTICLE SHALL NOT BE CONSTRUED TO REQUIRE AN EMPLOYER TO TAKE ANY  
40 ACTION THAT THE EMPLOYER BELIEVES IN GOOD FAITH WOULD VIOLATE FEDERAL OR  
41 STATE LAW.

42 23-214. Verification of employment eligibility: basic pilot  
43 program

44 AFTER MARCH 1, 2009, EVERY EMPLOYER, AFTER HIRING AN EMPLOYEE, SHALL  
45 VERIFY THE EMPLOYMENT ELIGIBILITY OF THE EMPLOYEE THROUGH THE BASIC PILOT  
46 PROGRAM.

1           Sec. 3. Severability

2           If any provision of this measure or its application to any person or  
3   circumstance is held invalid, the invalidity does not affect other provisions  
4   or applications of this measure that can be given effect without the invalid  
5   provision or application, and to this end the provisions of this measure are  
6   severable.

7           Sec. 4. Short title

8           This measure shall be known as and may be cited as the "Legal Arizona  
9   Workers Act."